

FILED

UNITED STATES COURT OF APPEALS

SEP 15 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

REBECCA SWIFT, on behalf of herself &
all others similarly situated,

Plaintiff - Appellee,

v.

ZYNGA GAME NETWORK, INC.,

Defendant,

and

ADKNOWLEDGE, INC., d/b/a Super
Rewards and KITN MEDIA USA, INC.,
d/b/a Super Rewards,

Defendants - Appellants.

No. 11-16933

D.C. No. 3:09-cv-05443-EDL
Northern District of California,
San Francisco

ORDER

A review of the record suggests that this court may lack jurisdiction over the appeal because an order granting a motion to compel arbitration and staying district court proceedings is generally not an appealable order. *See* 9 U.S.C. § 16(b)(1); *Delta Computer Corp. v. Samsung Semiconductor & Telecomm. Co.*, 879 F.2d 662, 663 (9th Cir. 1989); *see also Ventress v. Japan Airlines*, 486 F.3d 1111, 1119 (9th Cir. 2007); *Dees v. Billy*, 394 F.3d 1290, 1294 (9th Cir. 2005) (holding that “a

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district court order staying judicial proceedings and compelling arbitration is not appealable even if accompanied by an administrative closing.”).

Within 21 days after the date of this order, appellants shall move for voluntary dismissal of the appeal or show cause why it should not be dismissed for lack of jurisdiction. If appellants elect to show cause, a response may be filed within 10 days after service of the memorandum.

If appellants do not comply with this order, the Clerk shall dismiss this appeal pursuant to Ninth Circuit Rule 42-1.

Briefing is suspended pending further order of the court.

FOR THE COURT:

Molly Dwyer
Clerk of Court

By: Kamon Naddaf
Motions Attorney/Deputy Clerk
9th Cir. R. 27-7
General Orders/Appendix A